THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19854 of 1998

Dated:06.06.2007

Between
P.N.Rao

.....Petitioner

and

1.The Regional Manager, APSRTC
rep., by Deputy Chief Traffic Manager,
APSRTC, Medak Regiona, Sanga Reddy
Medak Dist and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19854 of 1998

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the 1st respondent in promoting the respondents 2 to 5 to the post of ADC/Controllers as arbitrary and illegal and consequently to direct the 1st respondent to promote the petitioner and to restore the seniority over and above the respondents 2 to 5.

It appears that the petitioner was appointed as a Conductor in the 1st respondent-Andhra Pradesh State Road Transport Corporation with effect from 11.6.1977 in Medak depot of erstwhile Karimnagar region. Now, Medak depot is in Medak region and the petitioner was working

since 22 years without any complaint and his record is clean. While so, the Divisional Manager prepared a seniority list dated 23.1.1992 as division wise which is now called region and the seniority of the petitioner was above the respondents 2 to 5. However, the 1st respondent promoted the respondents 2 to 5 to the post of ADC/Controllers without following the seniority.

The 1st respondent filed a detailed counter-affidavit denying the allegations made by the petitioner. It is stated in the counter that the allegation that petitioner was senior to the respondents 2 to 5 as per the seniority list of Grade I conductors dated 23.1.1992 of Medak Division is not correct. The petitioner's name was shown at serial number 43 whereas respondents 2 to 5 were at serial number 17 to 24 of the seniority list. However, it is a fact that the respondents 2 to 5 were promoted to the post of ADC/Controllers on 5.6.1998, but all of them are seniors to the petitioner as per

seniority list dated 23.1.1992. The petitioner was appointed on 19.8.1977 on temporary basis and senior to the 5th respondent-Yeshaiah as per conductors seniority list of Medak Region dated 31.3.1986 and he was promoted as Grade I conductor with effect from 1.7.1989 whereas his junior Yeshaiah was promoted as Grade I Conductor with effect from 1.7.88. Therefore, the claim of the petitioner that he is senior to the 5th respondent is not tenable.

It appears that as per the seniority list dated 23.1.1992 the petitioner was shown at serial No.43 where as respondents 2 to 5 were shown at serial Nos.17 to 24. Thus the petitioner is senior to the 5th respondent in the cadre of Conductor, but the petitioner was promoted to the cadre of Grade I Conductor on 1.7.1989 whereas the 5th respondent was promoted on 1.7.1988, one year prior to the petitioner. The petitioner never challenged the

promotion of Yeshaiah (R5) way back in the year 1988. Now the petitioner claims that he is senior to R2 to R5 at all levels, which is not correct. The writ petition is speculative in its nature and the same is devoid of merits and is liable to be dismissed.

Writ petition is accordingly dismissed. No costs.

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06-06-2007

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